

STAFF RELATIONS IN THE
CIVIL SERVICE
(1965 Edition)

CORRECTION

Page 29: Under "Recognised Association"
First paragraph to read:—
Association of Government Super-
visors and Radio Officers (Civil
Service Union and Society of
Telecommunication Engineers
have limited national recognition).

H.M. TREASURY
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Staff Relations in the Civil Service

I

INTRODUCTION

1. This is not a history of staff relations in the Civil Service, but an attempt to describe them shortly as they now exist. Historical material can be found in the Introductory Memoranda submitted by the Treasury to the Royal Commission on the Civil Service (1929-31), and in unofficial works, e.g. *Whitley Councils in the British Civil Service* by L. D. White (1932), *Civil Service Staff Relationships* by E. N. Gladden (1943), and *Clerical Unions in the Civil Service* by Miss B. V. Humphreys (1958).
2. Collective relations only are described in this booklet, but the existence of collective machinery does not prejudice the right of individuals to make representations about their conditions of employment so long as they make them to the proper departmental authorities and do not carry individual grievances to persons or bodies outside the Civil Service.
3. Except for Chapter VI, this booklet relates wholly to non-industrial civil servants.

II

STAFF ASSOCIATIONS

4. *General.* A civil servant is free to be a member of any association or trade union which will admit him under its rules of membership. Civil servants are, moreover, encouraged (e.g. in the *Handbook for the New Civil Servant*, issued by the Treasury to new recruits) to belong to associations, for the existence of fully representative associations not only promotes good staff relations but is essential to effective negotiations on conditions of service.
5. With a few exceptions, Civil Service staff associations cater for particular grades or classes, for the obvious reason that members of grades and classes have greater common interests than other groups of civil servants.
6. Some staff associations are quite small, numbering only a few hundreds in membership. At the other end of the scale are the large staff associations:

	<i>Approximate Membership</i>
Civil Service Clerical Association	145,000
Union of Post Office Workers	170,000
Institution of Professional Civil Servants	57,000
Society of Civil Servants	44,000
Post Office Engineering Union	76,000
Inland Revenue Staff Federation	42,000
Federation of Civil Service Professional and Technical Staffs	20,000
Civil Service Union	25,000

The Civil Service Clerical Association is part of the Civil Service Alliance, a federation whose other members are the Inland Revenue Staff Federation, the Ministry of Labour Staff Association and the County Court Officers' Association.

7. Staff associations are supported by the subscriptions of their members, which vary in amount according to the size of the association and the extent of its activities rather than according to the pay of the grades concerned. Nearly all the large associations employ their own full-time staff, who may or may not have been civil servants previously. Many staff organisations publish journals: a list of some of these is given in Appendix I.

8. *Recognised Associations.* A distinction must be drawn between those associations which have and those which have not the right to negotiate with the employing authority on behalf of their members or sections of their members. Those which have a right to negotiate are known as recognised associations: the term has the same significance throughout the sphere of trade union affairs and implies that the association is accepted by the employing authority as a responsible body fully representative of a given category of staff. (For "joint recognition" see paragraph 11 below.)

9. Recognition is a formal act and gives the association certain definite rights—the right to be brought into consultation by the employing authority on proposals affecting the category of staff for which the recognition is granted, the right to be a party to any formal agreements made on their conditions of service, and the right to go to arbitration, i.e. to the Civil Service Arbitration Tribunal, when agreement cannot be reached on a matter within the arbitrable field. It also involves the association in responsibilities to the extent to which, in the exercise of these rights, it makes itself a party to agreements and understandings.

10. National recognition is granted by the Treasury, and enables an association to take part in discussions, negotiations, agreements and arbitrations which affect staff in more than one Department and in which the role of employer is taken by the Treasury. Departmental recognition is granted by a Department in respect of staff in that Department alone. For example, the pay of a general Service grade would be negotiated nationally between the Treasury and a nationally recognised association and so, normally, would the pay of formally linked Departmental Classes, whereas the pay of a departmental grade serving entirely in one Department would be negotiated by that Department with a departmentally recognised association. Recognition, whether national or departmental, covers only matters which are:

(a) within the competence of the recognising authority to settle with or without reference to higher authority, and

(b) domestic to the group in respect of which recognition is granted.

11. A list of the associations to which national recognition has been granted is given in Appendix II. It will be seen that in some cases there is joint recognition: matters affecting the staff concerned are discussed with both or all of the jointly-recognised associations, either jointly or separately as may be found convenient, and written agreements are signed by both or all.

Arbitration, however, is regarded as open to each of the jointly-recognised associations in its own right, i.e. one of the jointly-recognised associations may go to arbitration on an issue already agreed by the other(s).

12. To secure recognition, an association must show that it is representative of the category of staff concerned. In the non-industrial Civil Service generally, recognition depends solely on numerical strength*. The Treasury has never announced any precise percentages which would establish a claim to national recognition or raise the question of withdrawing national recognition, and considers each claim on the merits of the representational capacity of the association concerned as measured by its numerical strength. Where, however, there are conflicting claims, actual or potential, steps are taken to ascertain fully paid up membership figures before recognition is granted; if necessary, an association may be asked to allow its membership records to be inspected.

13. As membership figures alone determine recognition in the non-industrial Civil Service generally, the nationally recognised association for a particular grade is not necessarily the right choice for departmental recognition for that grade: if another association has a larger membership in the grade in a particular Department, it has the better claim so far as that Department is concerned. (There is no question of requiring Treasury approval for the departmental recognition of an association.) In practice the departmentally recognised associations for general service grades do not differ very much from the nationally recognised associations. And it has been agreed between the Official and Staff Sides of the National Whitley Council that any Department in which a question arises on the interpretation of a national agreement should in general consult departmental representatives of the nationally recognised association, as well as any other association which is departmentally recognised for the grade or grades concerned.

14. Recognition may be withdrawn if membership figures change. Usually the initiative in claiming withdrawal is taken by a rival association, though there is no rule to prevent the recognising Department from taking the initiative itself if the facts seem to justify that course. Before withdrawing recognition at the request of a rival association, the membership of both associations may if necessary be checked by an inspection of membership records.

15. There is no necessary connection between recognition and Whitley Council membership, although in practice the two things are nearly always enjoyed by the same associations. Membership of the Staff Side of a Whitley Council is granted by the vote of the staff associations themselves; recognition, as stated above, by the employing authority, which (in the non-industrial Civil Service generally) takes account of the association's membership figures only and not of its Whitley status. The Association of First

* Paragraph 12 does not apply to recognition questions in respect of departmental classes of staff in the Post Office, which has always had its own distinctive policy and practice in this matter; vide Cmd. 8470, Appendices C, D and E, and a Statement by the Postmaster General on the 30th July, 1953 (H. of L. Official Report, col. 1,170) in which he said that no hard and fast rules would be laid down for the future and that he would continue to consider future claims on their merits.

Division Civil Servants for example has long been nationally recognised for the administrative class but for some years was not represented on the Staff Side of the National Whitley Council. Conversely, the Staff Side of the National Whitley Council includes several departmental associations which are not *nationally* recognised; and departmental Staff Sides have now and then included associations which had not been officially recognised at all. (*Note.* The original initiative in setting up a Whitley Council is taken by the employing authority, which does so by summoning a meeting of staff association representatives; it would be natural and logical to confine such a meeting to recognised associations, in which case presumably recognised associations only could be represented on the Staff Side as first constituted, but thereafter the filling of vacancies would be left entirely to the Staff Side itself.)

16. Recognised associations are older than Whitley Councils, and "Whitleyism superseded nothing". When Whitley Councils were introduced into the Civil Service, a pledge was given by the Government of the day that recognised associations would continue to have the right of direct consultation, outside the Councils, on matters affecting their members alone; and a substantial proportion of the present-day negotiation of Civil Service conditions of service is done by direct discussion with associations and not by Whitley machinery. The decision whether a particular claim affecting only a section of the staff should be handled by one method or the other rests purely on convenience and practice, and not on any principle. Cases about individual civil servants are usually handled by the association method and not by the Whitley method.

17. *Unrecognised Associations.* Any staff association, however small, and whether recognised or not, is free to make representations to the Government. An unrecognised association, however, has no prescriptive right of receiving a reply, beyond an acknowledgement, to any representation it may see fit to make. In dealing with letters from unrecognised associations which involve matters of general principle Departments are expected to bear in mind that they and the recognised associations share the responsibility for agreements that have been concluded through Whitley machinery or otherwise; to be careful not to enter into arguments, explanation or justification with an unrecognised association, especially where it is in obvious rivalry with a recognised one, on any matter which is the subject of an agreement or negotiations with a recognised association or Staff Side; and above all, to refrain from invoking as an answer to complaints by unrecognised associations the existence of an agreement with a recognised association or a Staff Side and implying that that association or Staff Side is responsible for any defects in the agreement—since an agreement is the equal responsibility of both parties to it.

18. *Registered Trade Unions.* Civil Service staff associations may, if they choose, apply to the Chief Registrar of Friendly Societies for registration as Trade Unions. Registration gives certain advantages, mostly relating to the holding of property, management of association funds, and income tax liability, but it should not in any way affect the attitude of Departments, as employers of staff, towards an association.

19. *Affiliation to the Trades Union Congress or to Political Parties.* There is nothing to prevent Civil Service staff associations affiliating to the T.U.C. or any political party.

III

WHITLEY COUNCILS

20. *General.* The Civil Service National Whitley Council was set up in 1919, and Departmental Whitley Councils have been set up in practically all Government Departments at varying times since. (The Post Office has two Departmental Whitley Councils, one for manipulative, clerical and allied grades and the other for engineering, factory, and supplies grades.) The constitution of the National Whitley Council and the model constitution recommended in 1919 for adoption by Departmental Whitley Councils are given in Appendix III and Appendix IV respectively.

21. These constitutions, however, having existed with little or no amendment since 1919, do not provide an altogether accurate description of the present working of the Councils. Passages which have been outgrown in the course of time and of events are indicated in these Appendices by a marginal line and a reference to the relevant paragraphs of this and following Chapters.

22. *Official Side Membership.* The Official Side of the National Whitley Council was originally appointed by the Cabinet, but nowadays vacancies are filled by the Treasury. Members are not appointed for any specified term of office and continue to serve until they resign or retire. The National Official Side does not meet regularly as such, and is not nowadays automatically informed of all business transacted on Committees of the Council.

23. Six out of the seven Chairmen of the National Council since 1919 have been Treasury officers; the other was Permanent Secretary to the Ministry of Labour. At least one of the Official Side Secretaries has always been a Treasury officer: nowadays only one Official Side Secretary is appointed. For the rest, the National Official Side consists normally of Heads of Departments, with a few Treasury officers of lower rank; a list of the present membership is given in Appendix V. Except for the Treasury and Ministry of Labour representatives, members are appointed in a personal capacity. Although regard is paid to the desirability of securing a proper balance of departmental representation, a member who took up a different Civil Service appointment would not necessarily resign. Members of the National Official Side are now invariably serving civil servants; from 1922 till 1930 the Official Side included three Members of Parliament (Government supporters), but this practice was dropped on the recommendation of the Royal Commission on the Civil Service, 1929-31.

24. A departmental Official Side consists normally of serving civil servants of senior rank in the Department concerned, including its Establishment Officer; the Chairman is usually though not invariably the Head of the Department, and the Secretary usually a member of the Establishment Division. The power to add a Treasury representative to a departmental Official Side is not nowadays used.

25. *Staff Side Membership and Organisation.* The Staff Side of the National Whitley Council was originally appointed by the major groups of staff associations as they existed in 1919, and this method of appointment was embodied in the constitution. But staff groupings have changed and the composition of the National Staff Side has changed correspondingly; there have been secessions from it (notably the secession of four of the higher grade associations when they disapproved of action taken by the Staff Side during the general strike of 1926), and returns to it (including the return of three of the four associations just mentioned). From the outset, the Staff Side itself has been responsible for the filling of its vacancies, and for deciding from time to time the numbers of seats to be given to the different associations represented on it. A list of the present membership is given in Appendix V; members are appointed annually, and usually a substantial proportion of them are full-time staff association officials and the rest civil servants. Occasionally, staff association officials who have become Members of Parliament have sat on the Staff Side; there is nothing in the constitution to prevent this, although as Parliament may be regarded as the ultimate employer of civil servants these Staff Side members have a "dual capacity" of a potentially awkward kind.

26. The National Staff Side meets regularly at least once a month, and has its own constitution and standing orders. It has its own offices, at 19 Rochester Row, London, S.W.1, a small full-time staff, and a monthly journal, *The Whitley Bulletin*.

27. A departmental Staff Side is appointed in the first place by the associations represented in the Department, which are called together for the purpose by the Head of the Department (see Note to paragraph 15 above); and like the National Staff Side it fills its own vacancies and decides how many seats are to be held from time to time by the different associations. Members are normally civil servants in the Department in question, but occasionally they include full-time staff association officials. The model constitution provides that an association which has members outside as well as inside the Department must choose either civil servants or its own full-time officials as its representatives. An association with membership confined to one Department is not similarly limited in its choice by the model constitution, and might in theory choose anyone as its representative. It is informally accepted by the two Sides of the National Council, however, that the limitation must be read as applying to departmental associations as well as to others.

28. A conference of departmental Staff Side representatives convened by the National Staff Side in 1926 recommended that associations not recognised by or affiliated to the National Staff Side should not be represented on departmental Staff Sides; but this recommendation has not been adopted in all Departments.

29. *Procedure.* An Official Side representative is in the chair at all Whitley Council or Committee meetings; if the Chairman is absent, another Official Side representative takes his place, and to that extent the term "Vice-Chairman" applied to the Staff Side leader is misleading.

30. Questions discussed by Whitley Councils or Committees are not settled by vote; each Side speaks formally as a whole (though considerable latitude for the expression of individual opinion is allowed at informal meetings); and if the two Sides disagree, a decision cannot in the last resort be reached within the Whitley machine.

31. Minutes are normally drafted by the Official Side Secretary, but must be agreed by both Sides, or their representatives, before they are acted upon.

32. The National Whitley Council has not adopted any standing orders or rules of procedure. Nowadays the full Council does not meet regularly once a quarter as the constitution provides: in fact, the Council has met only very infrequently since war broke out in 1939. Its business is transacted by Committees, flexibly and more or less informally or between individuals representing the two Sides. The members of the Committees may or may not be members of the Council itself. During the second world war two standing Committees, Committee A and Committee B (not to be confused with earlier Committees so named which were set up to consider parts of the Report of the Royal Commission 1929-31) were set up for day-to-day business, divided between them as seemed convenient from time to time; they had no formal terms of reference. These Committees were small, and on the Official Side they usually consisted entirely of Treasury officers. The transaction of Whitley business by Committees or between individuals went on so effectively and harmoniously throughout the war and the years that followed that it seems likely to continue indefinitely to be the normal way of doing National Whitley Council business. *Ad hoc* Committees have dealt with such matters as the post-war structure of the Service, training, superannuation, Foreign Service Allowances, equal pay, and the implementation of the recommendations of the Royal Commission on the Civil Service, 1953-55 (the Priestly Commission). Grade Committees do not now exist.

33. The formality of departmental Whitley procedure varies considerably from Department to Department. Most Departments abandoned regular meetings of their full Councils during the war, and although some resumed them afterwards, Committee procedure is probably more usual at the present time. Most of the larger Departments have regional, local or office Committees covering their staffs in particular towns or offices, for the discussion of purely domestic matters; these Committees may or may not be required to report all their proceedings to the main Departmental Whitley Council or to one of its Committees for ratification.

34. *Scope of Whitley Discussion.* "The scope of the Council shall comprise all matters which affect the conditions of service of the staffs." This means just what it says. "The staff" are all civil servants who are non-industrial, i.e. not covered by the joint bodies for the Government industrial establishments.

35. Theoretical difficulties arise because Official Sides are not "employers" in the ordinary sense; they are themselves civil servants, and Whitley decisions may affect them personally. For this reason, although the constitutions contained in Appendices III and IV do not in any way limit Whitley discussion to matters concerning the lower grades, there have been attempts to secure that Whitley bodies shall not discuss the pay and grading of the

most senior posts. In 1921 the National Council agreed that departmental Councils might discuss posts carrying basic salaries in excess of £500, other than controlling or managerial posts; but the Staff Side did not accept the proposition that the National Council should not discuss salaries in excess of £500 and that controlling or managerial posts should not be discussed at all. In 1925 the £500 "limit" was raised by the Official Side to £700, which was then the upper limit for arbitration purposes, although the Staff Side did not accept the principle that there should be any "limit" at all. No further formal step was taken in this direction when the arbitration limit was raised still further. The matter was complicated by the withdrawal from the National Council in 1926 of four of the higher grade associations; the Official Side then declared that it could no longer regard the National Staff Side as adequately representative of staff earning over £500 a year. But three of the associations in question subsequently returned to the Staff Side.

36. It was not until 1956 that the representative capacity of the National Whitley Council was again discussed between the Official and Staff Sides of the Council. This was in connection with the implementation of the recommendations of the Royal Commission on the Civil Service, 1953-55 (the Priestley Commission). The formal position was then reaffirmed, i.e. that the Council is competent to discuss all matters within its scope affecting all grades of civil servants, though, on pay and one or two other subjects, it is expedient to exclude the very highest grades. There is, however, still a salary limit for arbitration purposes (see paragraph 79).

But in giving evidence before the Royal Commission on the Civil Service, 1953-55, both Staff Side and official witnesses were agreed on the need for some form of machinery for independent review of the remuneration of staff above the arbitrable limit. The Royal Commission endorsed this view, and recommended the appointment of a Standing Advisory Committee to exercise a general oversight of the remuneration of the higher Civil Service (defined as "all staffs whose maximum salary or whose fixed rate exceeds the maximum of the Principal"). They proposed that the Committee should be appointed by the Prime Minister after informal consultation with staff interests; and that it should be composed of people chosen to reflect a cross section of informed opinion in the country at large. The Government accepted this recommendation, and in 1957 the Prime Minister appointed the Standing Advisory Committee on Salaries of the Higher Civil Service. The names of its present members are given in Appendix XI.

37. Another innovation resulting from the recommendations of the Royal Commission is the Civil Service Pay Research Unit, which was established in September, 1956. Its task is to discover the facts necessary for the implementation of the Royal Commission's primary principle for determining Civil Service pay, namely, "fair comparison with the current remuneration of outside staffs employed on broadly comparable work, taking account of differences in other conditions of service". The powers of the negotiating parties and the Civil Service Arbitration Tribunal remain unaffected. The Unit is headed by a Director appointed by the Prime Minister and is responsible to a joint committee of the National Whitley Council set up to give general direction and guidance to the Unit. Fuller details are given in

Appendix XII. Some useful information is contained in the Unit's Annual Reports, published by Her Majesty's Stationery Office.

38. As stated in paragraph 16 above, Whitleyism did not supersede direct negotiations with staff associations, and the statement in the National Council constitution that "the National Council shall be the only joint body to determine questions of remuneration affecting a class employed in two or more Departments" must be read in that context: in fact, questions of class or grade remuneration are much more often dealt with by direct negotiation nowadays than by Whitley discussion.

39. Promotion and discipline have all along been regarded as subjects on which Whitley discussion must be very carefully regulated. The National Council is not allowed by its constitution to discuss individual cases under either head: departmental Councils which have adopted the model constitution may only discuss individual promotions if it is represented by the Staff Side that they violate nationally-agreed principles of promotion.

40. *Relations between National and Departmental Councils.* The National Council (or, nowadays, the National Official Side Secretary and Staff Side Secretary acting jointly on the Council's behalf) must approve all Departmental Council constitutions and amendments to them. Having done that, however, the National Council ceases to concern itself with the activities of the Departmental Councils, and it does not act as a court of appeal, although it is open to any Departmental Council to ask the National Council for advice in cases of difficulty.

41. In practice, there is nowadays little or no communication between Departmental and National Councils as such, although there is a great deal of communication between departmental and national Staff Sides and a somewhat less organised machinery of communication between departmental and national Official Sides.

42. The only amendment to the National Council constitution since 1919 relates to the application of National Council agreements in Departments; it resulted from a Staff Side claim that the National Council should have the right to inquire into any allegation that a national agreement was not being properly applied in any particular Department. The Official Side felt that the claim as put by the Staff Side would mean undue interference with departmental autonomy, and the agreed formula contemplates that any questionable departmental application of a nationally-agreed scheme should be dealt with by restating the scheme rather than by taking the Department to task. In recent years, however, no attempt has been made to prevent the Staff Side from drawing the attention of the Official Side to departmental developments which seem to it to be inconsistent with national agreements or to have applications or consequences beyond the Departments concerned.

43. *The Authority behind Whitley Discussions.* When it was originally proposed, in 1919, that Whitley Councils should be introduced into the Civil Service as consultative bodies only, with no power to settle anything, there was violent protest from the staff associations, and when the Civil Service did eventually get its Whitley Councils they were intended to occupy

a stronger position than the merely advisory. Thus the constitution of the National Council provides that decisions "shall be arrived at by agreement between the two sides, shall be reported to the Cabinet, and thereupon shall become operative". But nowadays agreements between the two sides of the National Whitley Council are rarely "reported to the Cabinet" (they are so many, and often on such small matters, that that would be impracticable and unnecessary), and the statement that they "shall become operative" requires interpretation.

44. The Royal Commission on the Civil Service, 1929-31, pointed out that the chain of responsibility between the civil servant and his employer is longer than the corresponding chain in private employment. The "managerial element", i.e. the Official Sides of the Whitley Councils, is responsible to Ministers, and Ministers are responsible to Parliament. The Royal Commission added:

"In our view it is impossible, even if it were desirable, that a Whitley Council in the Civil Service should function as a legislative body. The members of the Official Side possess no power or authority except what is delegated to them by Ministers. The provision that the decisions of the Council 'shall be reported to the Cabinet and thereupon shall become operative' appears to us to be a misstatement of the position. In fact the position is, and must remain, that, unless the Cabinet through Ministers authorises the Official Side to agree, no agreement can be reached on the Council."

On this view it is clear, as the Royal Commission concluded, that proposals for giving the National Whitley Council an "independent" Ministerial chairman are misconceived. It is not unknown, though unusual, for a Minister to attend a departmental Whitley Council meeting, but that is a gesture of goodwill rather than a matter of principle, and controversial topics are usually avoided on those occasions.

45. Another aspect of the matter is summed up in a statement agreed upon by Official and Staff Sides of a National Council Committee in the early days of Whitleyism, as follows:

"The establishment of Whitley Councils cannot relieve the Government of any part of its responsibility to Parliament, and Ministers and Heads of Departments acting under the general or specific authority of Ministers must take such action as may be required in any case in the public interest. This condition is inherent in the constitutional doctrines of parliamentary government and ministerial responsibility, and Ministers can neither waive nor escape it.

It follows from this constitutional principle that, while the acceptance by the Government of the Whitley system as regards the Civil Service implies an intention to make the fullest possible use of Whitley procedure, the Government has not surrendered, and cannot surrender, its liberty of action in the exercise of its authority and the discharge of its responsibilities in the public interest."

46. In other words, the Official Side has no authority except that of the Government, and the Government cannot be compelled to exercise its authority by way of Whitley procedure. But that is not to say that any Government will willingly or irresponsibly disregard the advantages of acting in Civil Service matters, wherever possible, by consultation and agreement with the representatives of the Civil Service.

47. Behind the Official Side of the National Council lies Cabinet authority on all major matters; prior Cabinet authority for the opening of Whitley discussions, and further Cabinet authority for the concluding of agreements. Similarly Ministerial authority is behind departmental Official Sides. On minor matters, though they may not in practice be referred to Ministers, Ministerial responsibility also applies; and very often the Official Side view is formed or confirmed by discussion at one of the monthly informal meetings of departmental Establishment Officers.

48. Behind the Staff Side lie the executive committees of its constituent associations; usually these must be consulted separately, though in recent years two consultative conferences of all executive committees have been held. Behind the executive committees are the membership of the associations, consulted periodically by annual delegate conferences, by ballots or by other means. Staff Sides possess no power except that vested in them by association members. The standing orders of the National Staff Side provide that "on issues which are not primarily domestic Service issues, but which are entirely or mainly national questions of a political or industrial character, the Staff Side shall not act except by consent of all groups of the Staff Side"; and on other questions of policy, failing agreement, a two thirds vote of members present, with a minimum of 14, is required to make a decision effective.

49. *Strength and Weakness of Whitleyism.* The great strength of Whitleyism in the Civil Service is that of an idea; the idea of bringing together the *whole* Civil Service, or the *whole* staff of a Department, of promoting on each Whitley body a single viewpoint and spirit, and of giving to civil servants a voice in the management of their profession as a whole. Even in small local units where there are not many domestic questions to discuss and where the "Staff Side" may consist of one association only, the Whitley idea has been sought after; and the Royal Commission, 1929-31, emphatically rejected the suggestion of separate National Whitley Councils for different sections of the Civil Service. The procedure of negotiation with particular staff associations had not achieved the broader aim of Whitleyism, and could never achieve it.

50. Has Whitleyism achieved it? To a large extent it undoubtedly has; frank and friendly discussions have taken place and unchallenged agreements have been reached, on some of the widest issues affecting Civil Service employment. The volume of Whitley discussion is greater to-day than ever before, and very few decisions affecting the conditions of employment of the Civil Service are nowadays taken without passing through the Whitley area.

51. The spirit of co-operation between Official and Staff Sides has been achieved in varying degrees. Staff Sides, having often more to gain, have often shown the greater enthusiasm, and some Official Sides have been slow to take the initiative. But Official Sides now often contain men and women who in the earlier years of their careers were prominent Staff Side members, and it may confidently be said that in general they fully recognise the value of Whitleyism.

52. Passing from the spirit to the mechanism, it is no criticism of Staff Side members or officers to suggest that Civil Service Whitleyism *as a machine* has weaknesses on the Staff Side. On the Official Side, Whitley business is official duty; Official Sides represent a single entity, the Government, and the doctrine of Cabinet unity has two centuries of tradition behind it. On the Staff Side, many members must do their Whitley work in their spare time; more important, the construction of a corporate spirit among civil servants of all grades and classes, though well advanced, is not in the nature of things easy to perfect.

53. On both sides, the process of Whitley discussion requires frequent consultation with people not personally present at the negotiating table; sometimes this is a slow business. Sometimes particular interests are reluctant to sacrifice their sectional points of view and take a wider view-point. But that reluctance has often been overcome, and only an incurable pessimist would doubt that it will be increasingly overcome by the very existence of Whitley Councils.

54. More serious perhaps than the difficulties of developing a single spirit within the Whitley machine are the difficulties which arise when the machine does not include the representative organisations of all the staff. Some reference has already been made to secessions from the National Staff Side. In Departments also there have been important and regrettable temporary secessions—e.g. the secession of the Civil Service Clerical Association at different times from the Staff Sides in the Admiralty, the Ministry of Health and the Ministry of Pensions; and certain secessions in the Post Office which culminated in the suspension of Post Office Whitleyism altogether for a period.

55. The official attitude to these secessions (apart from the Post Office case) is that Staff Sides represent the staff as a whole and not sectional interests, and that the withdrawal of a particular association does not necessarily make a Staff Side unrepresentative of the whole. Indeed, the Official Side take the view that the only body with whom discussions of matters affecting the Service as a whole, or the Department as a whole, can properly take place is the Staff Side, at the National or Departmental level as the case may be (though the Post Office has its own well-established procedures governing consultation with bodies not represented on its Departmental Whitley Councils). Dual consultation is an administrative nuisance and detracts from the binding force of agreements reached. Secessions undoubtedly weaken the Whitley machine.

56. There is also the question of additions to Staff Side membership. As Staff Sides fill their own vacancies, no new association, however large and popular it may become, can secure Staff Side representation except by the goodwill of the existing Staff Side. No real trouble has arisen on this score so far; the associations which occasionally complain of the self-perpetuation of Staff Sides have not been of sufficient numerical importance to justify their claim that Staff Sides were made seriously unrepresentative by their exclusion. But in the hands of a prejudiced and irresponsible Staff Side the power to reject a good claim for admission might well do great damage to the Whitley machine.

57. Staff Sides, fortunately, have not shown themselves irresponsible. Fortunately, because there is a very real difficulty in the way of any attempt by Official Sides or anyone else, to dictate their composition to them. Originally, Official Sides seem to have refrained from the attempt partly because they were afraid that Staff Sides would retaliate by demanding a voice in the settling of Official Side membership; but the difficulty goes deeper than that. It is in fact the difficulty of forcing people to co-operate against their will. For Whitleyism nowadays is more than a series of meetings between Official and Staff Sides; Staff Sides have their own complex organisation, built up at considerable pains and with very marked success just because there has been a feeling for unity behind it. A body unwelcome to the Staff Side might be brought to sit at the table at meetings with the Official Side, but it could never be successfully thrust into participation in all the facilities, discussions and joint efforts of the Staff Side's own machine.

58. Whitleyism, in fact, will only work as well as it can when civil servants of all grades and classes are willing to come together, on a democratic basis, to work for interests that they genuinely feel themselves to hold in common.

IV

OFFICIAL ATTITUDE TO STAFF ACTIVITIES

59. *General.* The Government's encouragement of Civil Service recruits to join staff associations has already been mentioned. On Whitley Councils, the official attitude is broadly speaking that "the management" ought not to force Whitley machinery upon groups of staff (e.g. in small local offices) which have shown no sign of wanting it, but that where it is wanted "the management" should do all they can to make it a success.

60. This chapter mentions very briefly some of the practical ways in which "the management" facilitates and assists staff activities.

61. *Special Leave, Time Off and Secondment.* It is now well recognised that Civil Service staff association and Whitley activities cannot be carried on entirely in spare time, and certain allowances of official time are made. For attendances at joint meetings of the two Sides of the National Whitley Council or its Committees, special leave or time off, with pay, may be given as required. For attendances at joint meetings of Departmental Whitley Councils or their Committees, special leave or time off may also be given with pay; but in this case if special arrangements have to be made to cover the leave or time off by substitution, or to make it up by overtime, the cost must be borne by the civil servant himself (or by his association, or by the departmental Staff Side, as may be arranged between them). For staff association or Staff Side business, national or departmental, other than attendances at joint meetings, time off may be granted without loss of pay if that can conveniently be done; but where there is more than half a day's absence, a deduction is made from full pay. Although the Department granting the leave may require *general* evidence of the purpose for which the leave is wanted, e.g. evidence of the applicant's position in his association, it

is not for the Department to make detailed enquiries about the particular type of business (e.g. meetings, conferences, recruiting activities) for which particular periods of leave are to be used. It is clear, however, that this special leave is intended for those who are organising staff activities and not for any and every staff association member; a request that the whole staff of a particular grade should have special leave in order to attend a mass meeting would have to be refused and it is generally recognised that staff activities in that sense must take place outside office hours.

62. For Staff Side Secretaries, special arrangements are commonly made. In the larger Departments at least, it is normal practice that the Secretary selected by the departmental Staff Side should as far as possible be given a "light" official job.

63. Occasionally a request is made that a particular civil servant should have a prolonged period of special leave without pay (e.g. six months) in order to work for a recognised staff association. Occasionally also, an established civil servant asks for special leave with a view to resigning from the Civil Service altogether in order to become a full-time staff association official. These requests are usually sympathetically dealt with, for it is beneficial to the Service as a whole that Staff associations should be efficiently organised and experienced civil servants are often the best people to do the full-time job of organising them.

64. *Office Hours and Office Premises.* On the use of office hours and office premises for staff activities departmental practice varies; but it is generally understood that apart from meetings of Whitley Councils and Committees, and negotiations with recognised associations, only very minor types of staff activity should take place in office hours. No Department is likely to object if an association's branch secretary collects a few subscriptions from members whom he meets during his official duties; or if one of the full-time officers of an association visits the branch secretary during his office hours to discuss association business for a few minutes with him. But organised meetings of staff association members during office hours are normally forbidden. The use of office premises for meetings after office hours is at the discretion of the Department. So is the display of staff association and Staff Side notices on official notice-boards.

65. Responsible representatives of Staff Sides or recognised staff associations may, at departmental discretion, be allowed access to official premises to inspect the work of posts or classes whose conditions of service are under discussion.

66. *Supply of Information.* It is usual to supply Staff Sides with copies of all instructions issued to staff generally. The Treasury supplies the National Staff Side with copies of Estacode (the permanent code of establishment instructions) and all amendments of it, and also with all Establishment Circulars.

67. *Minor Facilities.* Official messenger services within Departments are usually made available without question for the transit of Staff Side and staff association communications; but not official postal facilities.

68. Official typing and duplicating services are normally used for the reproduction of minutes and papers which are the joint property of the two Sides of a Whitley Council or Committee; in such cases the constitutional provision that "expenses shall be defrayed in equal proportions by the Government and the staff associations" is not enforced. Printed Whitley Council or Committee papers are usually printed by the Stationery Office as if they were ordinary official papers, but Staff Side pay for copies supplied to them. Typing and duplicating services are not made available for the internal work of Staff Sides and staff associations, though Civil Service typists and duplicator operators are quite frequently allowed to do such work, outside office hours, on official premises and with official machines at the expense of the Staff Side or association concerned and, in the case of associations, provided that the paper needed is supplied by the association.

V

DISAGREEMENTS AND ARBITRATION

69. *Administrative Action.* As has been said already, a disagreement between "management" and staff cannot in the last resort be resolved within the Whitley machine; if neither Side is willing to make concessions, it is not possible for one Side to out-vote the other. Still less can an association "out-vote" a Department in the procedure of direct negotiation. Of course, a great deal can be done and is done by argument and persuasion; but in the last resort—with the very important qualification that the staff may seek arbitration, as described in paragraphs 74–97 below—the will of the Government prevails and is put into force by what is variously described as "administrative action" or "executive action".

70. *"Lobbying."* Staff associations may, if they cannot convince the Government on a particular issue, seek to convince Members of Parliament to whom the Government must answer. (Between 1927 and 1946, under the provision of the Trade Disputes and Trade Unions Act, 1927 (repealed in 1946), "political objects" had to be eschewed, but that was not interpreted as forbidding lobbying on matters which were otherwise proper objects of staff association policy.) Staff Sides could do so also, but in practice, following the lead of the National Staff Side, have deliberately refrained from adopting this as a normal method of procedure. Obviously, continual appeals to Parliament by one side over the head of the other would not make for good negotiating relations.

71. From time to time Parliament has included Members who are or have been Civil Service staff association officials. These Members naturally take a special interest in Civil Service matters and often provide a channel through which they can be raised in Parliament itself.

72. *Strikes.* There is no law which imposes penalties on civil servants who strike. There have been a small number of unofficial strikes, but official strikes are very rare. This restraint by civil servants in the use of the strike weapon is no doubt due in part to a special sense of responsibility to their employment and in part to the existence of an agreed system of compulsory arbitration.

73. But it is clear that striking, even if not illegal, is a disciplinary offence on the part of a civil servant. In moving the Second Reading of the 1946 Trades Disputes and Trade Unions Bill, the Attorney-General said:

"The 1927 Act did not forbid civil servants to strike, and nothing that we propose to do now will make it any more legal than it is to-day for civil servants to take strike action . . . I take the opportunity of making it quite clear that this Government, like any Government as an employer would feel itself perfectly free to take any disciplinary action that any strike situation that might develop demanded."

74. *The Arbitration Agreement.* The Civil Service National Whitley Council Arbitration Agreement of 1925, as modified by supplementary agreements of 1936, 1939 and 1947, 1951, 1952, 1955, 1959 and 1964, is given in Appendix VI. This replaced earlier arbitration arrangements which had lasted from 1917 to 1923 and had been abolished partly on a recommendation of the Committee on National Expenditure and partly on the argument that compulsory arbitration was to some extent incompatible with the development of Whitley Councils.

75. It has never been contended since 1925 that arbitration is incompatible with Whitleyism, and there is no doubt that access to an independent arbitration tribunal is one of the most cherished rights of Staff Sides and of staff associations.

76. Although paragraph 1 of the Agreement says that arbitration is open to "recognised associations", and although many arbitration cases are in fact brought to the tribunal by associations as such, it is well-established in practice that Staff Sides, both national and departmental, may also go to arbitration on matters within their purview and within the terms of the Agreement.

77. The term "recognised associations of civil servants within the scope of the National Whitley Council . . . and of Departmental Whitley Councils allied thereto" requires a little comment. The word "recognised" is, of course, important (see paragraph 9 above). But the phrase does not mean that only a recognised association *which holds a seat on the National Staff Side or on a departmental Staff Side* may go to arbitration. It is the civil servants and not the association who must be "within the scope . . ."; in short, arbitration under the Agreement is open to any recognised association. (For arbitration arrangements for industrial employees, see paragraph 101 below.)

78. The names of the present members of the Civil Service Arbitration Tribunal are given in Appendix VII. For many years, members of the Chancellor of the Exchequer's panel were appointed annually and the members of the Staff Side panel triennially, but in 1955 it was agreed that the term of office for members of both panels should be two years. Members of both panels are eligible for reappointment. From 1925 to 1936 the machinery used was that of the Industrial Court itself; the setting-up of a special Civil Service Arbitration Tribunal was agreed in 1936 because of the considerable number of Civil Service cases and of certain other difficulties that had arisen.

79. An upper salary limit has all along been a feature of Civil Service arbitration arrangements—first £500, then £700, then £850. Until 1964 the limit was £1450, but it has now been fixed at the maximum of the Administrative Principal without reference to a specific figure, so that it varies simultaneously with the maximum of the Principal. Claims in respect of grades carrying flat rate salaries or maxima above the limit cannot be taken to arbitration without the consent of both parties concerned.

80. The subjects which are arbitrable are fairly clearly defined in the Agreement. Superannuation, which is governed by statute, is not, and neither is the grant or refusal of established status. Numbers or complements of staff are not arbitrable, and neither are the actual times of their attendance; these are matters of management in which the employer must have the last word. On the other hand, questions of pay and allowances, weekly hours of work and annual leave are clearly arbitrable; and this normally includes questions of the effective date of any alteration in these conditions of service.

81. The subject which has given most trouble is "grading". The Official Side has always maintained that grading is, like numbers, a matter on which the management must have the final say; and the Royal Commission of 1929-31 supported that view. The Staff Side, however, has with some justification pointed out the difficulty of disentangling grading from pay. Thus there is sometimes disagreement on the interpretation of the Arbitration Agreement itself; this being so, in theory the Official Side view prevails, but occasionally Staff Side ingenuity in framing terms of reference is such that the Tribunal may find itself considering, in the guise of a pay claim, something very colourably akin to grading.

82. The requirement that an arbitration claim must relate to a "class" of civil servants has been another fruitful source of perplexity. The word "class" in this context is not of course used in its normal Civil Service sense; so much is readily understood. But the definition "any well-defined category of civil servants who for the purpose of a particular claim occupy the same position or have a common interest in the claim" does not go very far towards precision. The Royal Commission attempted a better definition, which would not have reckoned as a "class" a group of civil servants who are "part of a larger category . . ." unless the claim related to an already-existing differentiation in conditions of service between the group and the rest of the category. The Official Side would have accepted this. The Staff Side, however, argued that differentiation in duties would also make the group into a "class", and the Official Side would not accept that, since it argued that it would mean that the members of a grade in any particular Department or branch could claim their duties to be different from those of the grade generally and the grade could thus be indefinitely split (incidentally, making it practically hopeless to keep "grading" out of arbitration). Accordingly, although neither side likes the existing definition, it continues to serve.

83. It is clear that individual cases are excluded from arbitration. And on the whole the tendency of the Official Side has been to deny the existence of a "class" because the group is too small rather than because it is too large—although it is also clear that arbitration must not be refused merely

because a claim has "repercussions". Arbitration has been refused on claims by members of a general Service grade in a particular Department; and on claims for the grant of allowances to some but not all of the members of a grade (though once allowances have been granted the allowance holders are admitted to form a "class" for the purpose of claiming increased allowances). This is really another aspect of the "grading" difficulty. There is clearer ground for refusing arbitration when a particular emolument is covered by a national agreement for the whole Civil Service and an improvement is claimed by a section of the Service only; an example was a claim by staff in a particular Department for improved night duty allowances after a scale of war-time night duty allowances had been fixed by National Whitley Council agreement for the whole Service. On the other hand arbitration was allowed on a claim for improved starting pay on promotion for certain Customs Officers whose promotion, after they had passed the qualifying examinations, had been delayed by war-time circumstances: there was in existence a national starting pay agreement, and they were certainly not the only people whose promotion had been abnormally slow, but the special circumstances including the qualifying examination were held to bring them over the border-line and make them a "class".

84. Another problem was raised by the claim made in 1936 for improved pay for six departmental clerical classes on identical scales. The Treasury refused to allow the "six claims" to be taken together, on the ground that the six classes together were not a "class"; but eventually it was agreed that the six should be dealt with consecutively, each Department in turn answering the claim. The Tribunal made identical awards.

85. *Arbitration Procedure.* Rules of procedure issued by the Civil Service Arbitration Tribunal are given in Appendix VIII. It is understood between the two Sides of the National Whitley Council that the two parties to a claim should consult together to see that the Tribunal's time (to say nothing of typists' time) is not wasted by having the same documents submitted by both.

86. Arbitration claims must be submitted to the Tribunal through the Ministry of Labour (Industrial Relations Department). Terms of reference are normally agreed in advance between the parties, but if agreement on the way in which the claim is expressed proves impossible separate terms of remit are submitted by each party to the dispute. The stock form of reference to the Ministry of Labour is reproduced at Appendix IX. In the unlikely event of an association's putting forward an arbitration claim without previous negotiation with the respondent Department, the Ministry of Labour on being told that no negotiation had taken place would decline to forward the claim to the Tribunal. After the case has been heard, any fresh approach to the Tribunal, e.g. on the interpretation of the award, should be made through the Ministry of Labour also.

87. Arbitration claims must be treated with urgency at all their stages. Delay in agreeing terms of reference is obviously liable to be interpreted as obstruction. Once the claim is before the Tribunal its hearing is usually fixed by the Tribunal for an early date, and thereafter, as the rules of procedure shows, things must move rapidly.

88. The actual procedure before the Tribunal is informal. The proceedings are public, and there is usually a small "gallery" of staff interested in the claim, taking a day's annual leave to come and watch its progress. Each side in turn reads out the written statement it has submitted: it is customary to read the statement in full, though either party may ask the Tribunal's permission to omit from its own statement detailed passages, such as factual appendices. Each side may comment upon the other's statement: the Tribunal may ask questions, and the other side may put questions through the chairman. Either side or both may call witnesses (when this is to be done, it is a customary courtesy to notify the other side in advance who the witnesses will be), and the witnesses may be questioned either by the Tribunal or by the other side. Finally, the claimant party has the right of reply to what the other side has said. The proceedings are sometimes over quite quickly, but sometimes last for more than one day; then the parties are dismissed, the Tribunal considers the case in private, and in due course its award is published by the Stationery Office, advance copies being sent to the parties.

89. There are no formal rules of evidence as in a court of law, but offers and statements which have been made in the course of negotiations "without prejudice" must not be quoted before the Tribunal except by the consent of both parties. A Department making, for the sake of agreement, an offer which it thinks not entirely justified on merits is probably well-advised to mark it "without prejudice", lest the other side should hold out for something better and at arbitration quote the offer as evidence of the merits of part at least of its claim. Otherwise both sides may make what reference they like to past history and negotiations. Departments are usually as helpful as they reasonably can be if Staff Sides or staff associations seek access to official information for arbitration purposes.

90. The Treasury is a party to all arbitration claims affecting the Civil Service as a whole; and it takes a close interest in departmental claims. A Treasury officer is invariably present at Departmental arbitration hearings as one of the team representing the Department concerned (it should be noted that he is *not* a "Treasury representative", i.e. his name appears on the statement of case as one of the representatives of the Department itself, though "Treasury" may be added in brackets after the name). The Treasury is always notified as soon as an arbitration claim is received; it is consulted before the terms of reference are agreed, and it sees the official statement of case in draft. The Treasury has accumulated a wealth of experience and case-law in arbitration procedure and can be very helpful to Departments less familiar with the Tribunal.

91. As stated in the Agreement, if the members of the Tribunal disagree, the Chairman may make an "umpire's award". The award, whether made by the Chairman or by the whole Tribunal, may give something less than was claimed without rejecting the claim completely. Occasionally the award is less than the Department, at some stage of the negotiations, has offered; in that event the claimants must take the rough of arbitration with the smooth and unless there are quite exceptional circumstances the award and not the offer will be put into force.

92. There has from time to time been discussion of whether the Tribunal should have power to "conciliate"; but as the Royal Commission of 1929-31 remarked, "the power to conciliate is inherent in every tribunal", and the Tribunal does not seem to hesitate, when it thinks fit, to advise the parties to go away and negotiate further. The Royal Commission thought that the existence of formal conciliation machinery would tend to encourage the parties to approach the Tribunal before the ordinary machinery of negotiation has been fully utilised.

93. *Arbitration Policy.* Formally, Treasury authority is required for giving effect to an arbitration award which involves additional expenditure by any Department. But the Treasury Circular of 1925 which announced the Arbitration Agreement contained the pledge "Subject to the overriding authority of Parliament the Government will give effect to the awards of the Court". The qualification is inserted to preserve the constitutional supremacy of Parliament and the possibility of a Government defeat there; the pledge means that the Government will not itself *propose* to Parliament the rejection of an award, once made.

94. On the other hand, there have been refusals to allow certain claims to go to arbitration. Some refusals have been based on interpretation of the Arbitration Agreement, and have already been touched upon (paragraphs 79-82 above). (It should of course be emphasised that the decision whether a claim is arbitrable within the terms of the Agreement has no necessary connection whatsoever with the merits of the claim; indeed, Departments have accepted as arbitrable a great many claims which they have regarded as possessing no merits at all.) But the Government must also reserve to itself the right to refuse arbitration "on grounds of policy"; because the Government is responsible to Parliament for the administration of the public service and cannot relieve itself of that responsibility or share it with any other persons or organisation.

95. Not unnaturally, the Staff Side does not regard this attitude towards arbitration as entirely satisfactory. There have been suggestions that "an impartial person" (or indeed the Tribunal itself) should decide the validity of claims to arbitration. But the practice of successive Governments has been found more satisfactory than the theory. Arbitration has in fact been refused on very few occasions on major policy grounds.

96. A more serious limitation of the arbitration machine, as a machine, is that its use, even with the qualification just mentioned, is "compulsory" in one sense only. It is compulsory (apart from the qualification) for Government Departments to accept arbitration on claims put forward by recognised associations and Staff Sides: it is not compulsory for Government Departments to go to arbitration when they themselves wish to alter conditions of service. It could not be so; the duty of the Government is to govern, and steps must sometimes be taken quickly and without the possibility of challenge by a Tribunal which is not responsible to Parliament. The following passage is taken from a letter sent to the Staff Side in 1927 on behalf of the then Prime Minister:

"... I am to say that His Majesty's Government could in no circumstances accept the principle that in all disputed cases arising out of the conditions of service of classes of civil servants within the ambit of the Arbitration Agreement

it must refrain from taking executive action pending reference to the arbitration court and a judgement of the court as to the action to be taken. In these as in other matters the Government must act as it deems right in the public interest, and it could not consent to limit its discretion so to act by any such rule of procedure as the Staff Side of the National Whitley Council would desire to see adopted."

97. It is not unknown for the Government to go to arbitration, but on the occasions on which they have done so they have not challenged the award of the Tribunal.

VI

GOVERNMENT INDUSTRIAL EMPLOYEES

98. This booklet makes no attempt to describe exhaustively staff relations in the Government industrial field; it gives only the main facts which those concerned with non-industrial Civil Service staff relations may sometimes need to know.

99. Government industrial employees belong, as a general rule, to trade unions which are not confined to Government employees. Most industrials were not restricted in their trade union membership by Section 5 of the Trade Disputes and Trade Unions Act, 1927, because they were then unestablished; accordingly, the important bodies in this field are the trade unions which are important in the British labour world generally—the Transport and General Workers' Union, the National Union of General and Municipal Workers, the Amalgamated Engineering Union, etc.

100. In accordance with long-standing practice, both in industry generally and for government industrial establishments, the composition of the Trade Union Side of a Joint Council is determined by the Trade Union Side itself; and Departments only recognise for negotiating purposes Unions represented on Departmental Councils, Trade Joint Councils or the Joint Co-ordinating Committee for Government Departments, or Unions whose credentials are acceptable to these bodies.

101. Whitleyism was instituted for Government industrial employees at about the same time as for the non-industrial Civil Service, but in a slightly more complex form. There is no single National Council, under that name, although there is a Joint Co-ordinating Committee for Government Industrial Establishments which performs very much the same function as the non-industrial National Whitley Council, i.e. the consideration of general questions affecting all Government industrial staff. There are Departmental Councils in the Departments which employ substantial numbers of industrial staff (not in Departments which employ only small numbers). There are also three Trade Joint Councils, covering Government industrials in all Departments in the trades with which they are respectively concerned—the Engineering Trades Joint Council, the Shipbuilding Trade Joint Council (in effect an Admiralty body), and the Miscellaneous Trades Joint Council.

102. The model constitution for a Trade Joint Council is reproduced in Appendix X; its arrangement is somewhat different from that of the non-industrial Whitley constitutions, but its main provisions are very much the same in essence.

103. Arbitration machinery for Government industrial employees is that of the Industrial Courts Act, 1919—a machinery available to industry generally. It is voluntary arbitration, i.e. a claim cannot be brought to the Industrial Court without the consent of both parties; there is no special agreement governing the matters which may be the subject of arbitration, but when once an award has been made the Government normally regards itself as pledged to give effect to the award.

APPENDIX I

STAFF ASSOCIATION JOURNALS

<i>Staff Organisation</i>	<i>Journal</i>
Civil Service National Whitley Council (Staff Side)	<i>Whitley Bulletin</i>
Institution of Professional Civil Servants	<i>State Service</i>
Society of Civil Servants	<i>Civil Service Opinion</i>
Civil Service Clerical Association	<i>Red Tape</i>
Civil Service Union	<i>The Whelp</i>
Inland Revenue Staff Federation	<i>Taxes</i>
Association of H.M. Inspectors of Taxes	<i>Quarterly Record</i>
Association of Officers of the Ministry of Labour	<i>The Journal</i>
Ministry of Labour Staff Association	<i>Civil Service Argus</i>
Customs and Excise Federation	<i>The Journal</i>
Customs and Excise Preventive Staff Assn.	<i>The Customs Journal</i>
Union of Post Office Workers	<i>The Post</i>
Post Office Engineering Union	<i>The Journal</i>
Association of Post Office Controlling Officers	<i>Supervising</i>
Society of Telecommunication Engineers	<i>The Review</i>
Prison Officers' Association	<i>Prison Officers' Magazine</i>
Society of Technical Civil Servants	<i>The Right Angle</i>
County Courts Officers' Association	<i>The County Court Officer</i>
Association of Government Supervisors and Radio Operators	<i>Monitor</i>

APPENDIX II

NATIONALLY RECOGNISED ASSOCIATIONS

<i>Grade or Class Concerned</i>	<i>Recognised Association</i>
Administrative Class	Association of First Division Civil Servants
Government Economic Service	Association of First Division Civil Servants
Statisticians	Association of First Division Civil Servants
Museum Grades:	
Director	Association of First Division Civil Servants
Keeper	"
Deputy Keeper	"
Assistant Keeper	"
Executive Class	Society of Civil Servants
Higher Clerical Officer	Society of Civil Servants and Civil Service Clerical Association
Clerical Officer	Civil Service Clerical Association
Clerical Assistant	Civil Service Alliance
Duplicator Operator Class	"
Machine Operator Class	"
Superintendents of Typists	"
Shorthand Typists	"
Typists	"
Legal Staff	Civil Service Legal Society

<i>Grade or Class Concerned</i>	<i>Recognised Association</i>
Photographer Grades	Institution of Professional Civil Servants
Scientific Officer Class	"
Experimental Officer Class	"
Information Officer Class	"
Scientific Assistant Class	"
Medical Officers	"
Psychologists	"
Actuaries	"
Professional Accountants	"
"Works Group" of Professional Classes	
I.e. Architects	"
Surveyors	"
Quantity Surveyors	"
Estate Surveyors	"
Civil Engineers	"
Mechanical and Electrical Engineers	"
Land Officers	"
Librarians	"
Draughtsmen (Architectural and Engineering)—Linked Departmental Classes	Institution of Professional Civil Servants and Society of Technical Civil Servants. (Drawing Office Assistants, Society of Technical Civil Servants only)
Draughtsmen Cartographic and Recording) (Linked Departmental Classes)	Institution of Professional Civil Servants
Illustrators (Linked Departmental Classes)	"
Research Officers (Linked Departmental Classes)	"
Technical Works Engineering and Allied Class (Linked Departmental Classes)	"
Telecommunications Technical Officers (Linked Departmental Classes)	"
Reproduction Class A	"
Reproduction Class B	Civil Service Union
Office Keeper grades	"
Paperkeeper grades	"
Messenger grades	"
Motor Vehicle drivers (non-industrial)	"
Cleaners	"
Blind Telephonists	"
Sighted non-Post Office Telephonists	"
Photoprinter Class	Civil Service Union and Post Office Engineering Union
Instructional Officer Class (Linked Departmental Classes)	Civil Service Union
Security Officers (Linked Departmental Classes)	Civil Service Union

*Grade or Class Concerned**Recognised Association*

Stores Supervisory Grades
(Linked Departmental Classes)

Association of Government Supervisors and Radio Officers, Civil Service Union and Society of Telecommunication Engineers have limited national recognition)

Process and General Supervisory Grades (Linked Departmental Classes)

Association of Government Supervisors and Radio Officers.

Tracers (Linked Departmental Classes)

Society of Technical Civil Servants

Museum Craftsmen (Linked

Departmental Classes)

Foremen Craftsmen

Civil Service Union and Association of Government Supervisors and Radio Operators

Craftsmen

Civil Service Union

Museum Warders (Linked Departmental Classes)

Civil Service Union

APPENDIX III

CONSTITUTION OF THE NATIONAL WHITLEY COUNCIL

MEMBERSHIP

1. The Council shall consist of 54 members (including four secretaries) to be appointed as to one half by the Government (the Official Side), and as to the other half by groups of staff associations (the Staff Side).

2. The Official Side. The members of the Official Side of the Council shall be persons of standing (who may or may not be civil servants) and shall include at least one representative of the Treasury and one representative of the Ministry of Labour.

3. The Staff Side. The Staff Side shall consist of persons of standing (who may or may not be civil servants) appointed by the undermentioned groups of staff associations:

- (1) Post Office associations.
- (2) Civil Service Federation.
- (3) Civil Service Alliance.
- (4) Society of Civil Servants and Association of First Division Civil Servants.
- (5) Institution of Professional Civil Servants.
- (6) Temporary staff associations.

4. It shall be open to the authorities appointing the respective sides of the Council to vary their representatives.

5. The first Council shall be appointed to serve until the close of the annual meeting in 1921.

Casual vacancies shall be filled by the authority concerned, which shall appoint a member to serve for the remainder of the term for which the outgoing member was appointed.

OFFICERS

6. Chairman and vice-chairman. The chairman of the Council shall be a member of the Official Side; the vice-chairman shall be a member of the Staff Side of the Council.

7. Secretaries. Each side of the Council shall appoint two of its members to act as secretaries.

8. Quorum. The quorum shall be 14 members on each side of the Council.

9. Meetings, etc. The ordinary meetings of the Council shall be held as often as necessary and not less than once a quarter. The meeting in the month of October shall be the annual meeting. An agenda shall be circulated to all members not less than 14 days before the meetings of the Council. Business not on the agenda shall only be taken by permission of the chairman and vice-chairman. A special meeting of the Council shall be called by the chairman or vice-chairman as required. The business to be discussed at such meetings shall be limited to matters stated upon the notice summoning the meeting. See para. 32

10. The Council shall draw up such standing orders and rules for the conduct of its business as it may deem necessary. See para. 32

OBJECTS AND FUNCTIONS

11. General objects. The objects of the National Council shall be to secure the greatest measure of co-operation between the State in its capacity as employer, and the general body of civil servants in matters affecting the Civil Service, with a view to increased efficiency in the public service combined with the well-being of those employed; to provide machinery for dealing with grievances, and generally to bring together the experience and different points of view of representatives of the administrative, clerical and manipulative Civil Service.

FUNCTIONS

12. The scope of the National Council shall comprise all matters which affect the conditions of service of the staff.

13. The functions of the National Council shall include the following:

(i) Provision of the best means for utilizing the ideas and experience of the staff.

(ii) Means for securing to the staff a greater share in and responsibility for the determination and observance of the conditions under which their duties are carried out.

(iii) Determination of the general principles governing conditions of service, e.g. recruitment, hours, promotion, discipline, tenure, remuneration and superannuation.

In the National Council the discussion of promotion shall be restricted to the general aspects of the matter and the principles upon which promotions in general should rest. In no circumstances shall individual cases be taken into consideration.

It shall be open to the National Council to discuss the general principles underlying disciplinary action, but there shall be no discussion of individual cases.

(iv) The encouragement of the further education of civil servants and their training in higher administration and organisation.

(v) Improvement of office machinery and organisation and the provision of opportunities for the full consideration of suggestions by the staff on this subject.

(vi) Proposed legislation so far as it has a bearing upon the position of civil servants in relation to their employment.

COMMITTEES

14. The National Council may appoint standing committees, special committees, and grade committees and may delegate special powers to any committee so appointed.

The members of the standing committee shall be members of the Council. The Council may appoint on special committees such persons not necessarily being

members of the Council as may serve the special purposes of the Council. Grade* committees shall consist of representatives of the grade concerned and official representatives, such persons not necessarily being members of the Council.

REMUNERATION OF CERTAIN CLASSES

- See para. 38 | 15. The National Council shall be the only joint body to determine questions of remuneration affecting a class employed in two or more Departments. Such questions affecting Treasury classes shall be referred by the Council to grade committees of that Council. In the case of other classes the National Council shall determine whether reference should be to grade committees of the National Council or to a joint meeting of the departmental Councils concerned.

DECISIONS

- See paras. 43-57 | 16. The decisions of the Council shall be arrived at by agreement between the two sides, shall be signed by the chairman and vice-chairman, shall be reported to the Cabinet, and thereupon shall become operative.

PUBLICATION OF PROCEEDINGS OF NATIONAL COUNCIL

17. Only statements issued under the authority of the Council shall be published, and such statements shall be as full and informative as possible.

MINUTES

18. The Council shall keep minutes of its proceedings.

FINANCE

- See para. 68 | 19. Each side of the Council shall be responsible for its own expenses; the common expenses shall be defrayed in equal proportions by the Government and the staff associations.

AMENDMENT OF THE CONSTITUTION

20. The constitution of the Council may only be amended at an annual meeting. Notice of amendment of the constitution must be given and circulated to the members of the Council at least one month before the meeting.

Note. The constitution was amended on 1st July, 1927, by the insertion of the following new paragraph after paragraph 16:

In any case where it appears to either side of the Council that it is necessary or desirable to examine the outcome of any general arrangement to which the National Council is committed, the matter shall be referred to a special committee consisting of two or three members of the Official and Staff Sides of the Council respectively whose business it would be to provide the Council with an agreed statement of the relevant facts of the matter, together with any recommendations that they may be in a position to make for the guidance of the Council as to the steps, if any, which should appropriately be taken either by way of a more precise definition of the existing scheme or by way of amendment of the existing scheme. In the light of this committee's report it would be open to the Council to consider what steps might so be taken in order to secure a mutually acceptable settlement of the matter.

*Grade committees do not now exist.

APPENDIX IV

MODEL CONSTITUTION FOR A DEPARTMENTAL WHITLEY COUNCIL

MEMBERSHIP

1. The Council shall consist of not more than members appointed as to not more than members by the Minister or by the head of the Department (the Official Side) and as to not more than members by the associations or groups of associations having members employed in the Department (the Staff Side).

2. The members of the Council shall be persons of standing. The chairman of the Council shall, as occasion may require, arrange for the addition to the Official Side of the Council of a representative appointed by the Treasury. See para. 24

3. Where an association has members outside as well as inside the Department, the electorate for the Department shall be the members of the association in the Department, and, if necessary, special machinery shall be set up by the association to ensure the carrying into effect of this arrangement. It shall be open to the electorate so constituted to choose as their representative any member or official of the association who is employed in the Civil Service or, if not a person so employed, is a full-time officer of the association. The election shall in all cases be under the authority of the association concerned. Although certain questions relating to classes employed in two or more departments will be dealt with by special grade committees of the National Council, this fact shall not preclude members in those classes from being elected to serve on the Departmental Council.

4. The Council shall cover all civil servants employed in the Department who are not included in the joint bodies for the government industrial establishments.

5. It shall be open to the authorities appointing the respective sides of the Council to vary their representatives.

6. The first Council shall be appointed to serve until the close of the annual meeting in

7. Casual vacancies may be filled by the authority concerned in the same manner as the original appointments. Provided always that where a representative cannot attend a meeting of the Council, an accredited deputy may be appointed *pro hac vice* by the authority concerned.

8. Chairman and vice-chairman. The chairman at every meeting of the Council shall be a member of the Official Side, the vice-chairman shall be a member of the Staff Side of the Council.

9. Secretaries. Each side of the Council shall appoint a secretary, or secretaries who may or may not be members of the Council.

10. Quorum. The quorum shall be

11. Meetings, etc. The ordinary meetings of the Council shall be held as often as necessary, and not less than once a quarter: the meeting in the month of shall be the annual meeting. An agenda shall be circulated to all members not less than days before the meetings of the Council.

Business not on the agenda shall be taken only by permission of the chairman and vice-chairman. A special meeting of the Council may be called by the chairman on his own initiative or at the request of the vice-chairman. The business to be discussed at such special meetings shall be limited to matters stated upon the notice summoning the meeting.

12. The Council shall draw up such standing orders and rules for the conduct of its business as it may deem necessary.

OBJECTS AND FUNCTIONS

13. General objects. The general objects of the Council shall be to secure the greatest measure of co-operation between the administration, in its capacity as employer, and the general body of the staff in matters affecting the Department, with a view to increased efficiency in the Department combined with the well-being of those employed; to provide machinery for dealing with grievances, and generally to bring together the experience and different points of view respecting conditions of service within the Department.

FUNCTIONS

14. The scope of the Council shall comprise all matters which affect the conditions of service of the staff in the Department, and its functions shall include the following:

(a) Provision of the best means for utilising the ideas and experience of the staff.

(b) Means for securing to the staff a greater share in and responsibility for the determination and observance of the conditions under which their duties are carried out.

(c) Determination of the general principles governing conditions of service, e.g. recruitment, hours, tenure, and remuneration in so far as these matters are peculiar to members of the staff of the Department.

(d) The encouragement of the further education of the staff, and their training in higher administration and organisation.

(e) Improvement of office machinery and organisation and the provision of opportunities for the full consideration of suggestions by the staff on this subject.

(f) The consideration of proposed legislation so far as it has a bearing upon the position of members of the staff in relation to their employment in the Department.

(g) The discussion of the general principles governing superannuation and their application to the members of the staff in the Department.

15. Promotion and discipline. Without prejudice to the responsibility of the head of the Department for making promotions and maintaining discipline, it shall be within the competence of the Council:

(a) to discuss any promotion in regard to which it is represented by the staff side that the principles of promotion accepted by or with the sanction of the National Council have been violated; and

(b) to discuss any case in which disciplinary action has been taken if it is represented by the staff side that such a course is desirable.

16. Questions common to two or more Departments (including the Department) not being general questions, shall be reported to the National Council. The Council may request the National Council to appoint a chairman for inter-departmental meetings for the consideration of such questions.

COMMITTEES

17. The Council may appoint special committees, grade committees and other committees as required, and may delegate special powers to any committee so appointed.

18. The Council may appoint to special committees persons who need not necessarily be members of the Council. Grade committees shall consist of representatives of the grade concerned and official representatives, such persons not necessarily being members of the Council.

DECISIONS

19. The decisions of the Council shall be without prejudice to

(a) the overriding authority of Parliament and the responsibility of the head of the Department as such;

(b) the responsibility of the Staff Side to its constituent bodies;

(c) the authority of the National Council as the only Whitley joint body competent to deal with general questions;

shall be arrived at by agreement between the two sides, shall be signed by the chairman and vice-chairman, shall be reported to the head of the Department and shall be operative.

20. It shall be the duty of the chairman to ensure that decisions reach the proper executive authority without delay.

21. In the event of disagreement on a question of remuneration* within the terms of reference of the Civil Service Arbitration Board†, it will be remitted to that Board† for adjudication. Fixed machinery is not created to deal with other questions on which agreement may not be arrived at and which are outside the Board's† terms of reference, as its existence would necessarily impair the influence and authority of the Departmental Council. Moreover, these questions will vary considerably in their nature and importance and will call for varying treatment. A way out of a deadlock may in some cases be found by informal consultation between the chairman and vice-chairman, in others by referring the matter to an informal committee consisting of the chairman and the vice-chairman and the secretaries. In other cases some other solution may be feasible. In view of these considerations no specific provision is made in this constitution for cases (other than remuneration* cases) where the Council may fail to reach agreement on questions which it is competent to decide, and such cases are left to be dealt with individually as and when they arise. The Council may seek the advice of the National Council in cases of difficulty.

See
para. 74

PUBLICATION OF PROCEEDINGS

22. Only statements issued under the authority of the Council shall be published, and such statements shall be as full and informative as possible.

MINUTES

23. The Council shall keep minutes of its proceedings.

FINANCE

24. Each side of the Council shall be responsible for its own expenses: the common expenses shall be defrayed in equal proportions by the Department and the staff associations. Civil servants who are members of the Staff Side of the Council or of its committees shall be given special leave with pay when attending meetings of the Council or of its committees, the associations bearing the cost of substitution where incurred.

AMENDMENT OF THE CONSTITUTION

25. The constitution of the Council may be amended only at an annual meeting. Notice of amendment of the constitution must be given and circulated to the members of the Council at least days before the meeting.

* Nowadays, emoluments, weekly hours of work, or leave.

† Now Tribunal.

DISTRICT AND OFFICE (OR WORKS) COMMITTEES

26. The Council shall have power to establish district and office (or works) committees and to decide upon the nature and extent of their functions in accordance with the provisions of clause 56 of the Report of the National Provisional Joint Committee and the application of the Whitley Report to the administrative departments of the Civil Service (Cmd. 198).

APPENDIX V

CIVIL SERVICE NATIONAL WHITLEY COUNCIL (June 1965)

Chairman: Sir Laurence Helsby, G.C.B., K.B.E.

Vice-Chairman: Richard Hayward

OFFICIAL SIDE

Sir Laurence Helsby, G.C.B., K.B.E. (Treasury), *Chairman*
Mrs. E. M. Abbot, C.B.E. (Treasury)
Sir George Abell, K.C.I.E., O.B.E. (First Civil Service Commissioner)
Sir Phillip Allen, K.C.B. (Treasury)
Sir William Armstrong, K.C.B., M.V.O. (Treasury)
F. R. Barratt (Treasury)
Sir Charles Cunningham, K.C.B., K.B.E., C.V.O. (Home Office)
Sir Maurice Dean, K.C.B., K.C.M.G. (Ministry of Technology)
Sir James Dunnett, K.C.B., C.M.G. (Ministry of Labour)
Sir Bruce Fraser, K.C.B. (Treasury)
Sir Ronald German, C.M.G. (Post Office)
T. D. Haddow, C.B. (Scottish Office)
Sir Henry Hardman, K.C.B. (Ministry of Defence)
Sir Alexander Johnston, G.C.B., K.B.E. (Board of Inland Revenue)
Sir Edward Muir, K.C.B. (Ministry of Public Building and Works)
Sir Thomas Padmore, G.C.B. (Ministry of Transport)
Sir Richard Powell, K.C.B., K.B.E., C.M.G. (Board of Trade)
Sir Dennis Proctor, K.C.B. (Ministry of Power)
Dame Evelyn Sharp, G.B.E. (Ministry of Housing and Local Government)
J. J. S. Shaw (Treasury)
Sir Mark Tennant, K. C. M. G., C.B. (Treasury)
Sir Richard Way, K.C.B., C.B.E. (Ministry of Aviation)
Sir John Winnifrith, K.C.B. (Ministry of Agriculture, Fisheries and Food)
A. J. Clift (Treasury), *Secretary*.

STAFF SIDE

Richard Hayward, *Secretary General*
Post Office Group
Ron Smith (Union of Post Office Workers)
D. L. Brown (Union of Post Office Workers)
J. Currie (Union of Post Office Workers)
T. Jackman (Union of Post Office Workers)
*W. H. Wolfenden (Union of Post Office Workers)
Miss N. Whitelaw (Union of Post Office Workers)
*S. C. Rosser (Post Office Engineering Union)
Charles Smith (Post Office Engineering Union)
S. A. R. Seaton (Assn. of Post Office Controlling Officers)
J. K. Glynn (representing Society of Telecommunication Engineers, Federation of Sub-Postmasters, Head Postmasters' Assn., Postmasters' Assn., Telephone Contract Officers' Assn., Telecommunications Traffic Assn.)

* *Serving civil servant.*

Civil Service Alliance

- L. A. Wines (Civil Service Clerical Association)
- *J. Bryce (Civil Service Clerical Association)
- W. L. Kendall (Civil Service Clerical Association)
- C. T. H. Plant (Inland Revenue Staff Federation)
- F. D. Swift (Inland Revenue Staff Federation)
- J. L. Tindall (Ministry of Labour Staff Federation)

Executive Group

- J. L. Williams (Society of Civil Servants)
- J. R. M. Dryden (Society of Civil Servants)
- *H. E. Buckingham (Customs and Excise Federation)
- *K. V. Powell (Assn. of Officers of Ministry of Labour)
- *I. N. Hunter (Assn. of H.M. Inspector of Taxes)

Association of First Division Civil Servants

- *G. F. Kear

Institution of Professional Civil Servants

- W. McCall
- T. H. Proffitt

Federation of Civil Service Professional and Technical Staffs

- C. Cooper (Society of Technical Civil Servants)

Civil Service Union

- J. O. N. Vickers

-
- L. V. Andrews (Union of Post Office Workers), *Chairman*
 - P. D. Jones, *Secretary*
 - *D. D. Mackie (Society of Civil Servants), *Assistant Secretary*

APPENDIX VI

CIVIL SERVICE ARBITRATION AGREEMENT

(1) We are agreed that failing agreement by negotiation arbitration shall be open to Government Departments on the one hand, and to recognised Associations of Civil Servants within the scope of the National Whitley Council for the Administrative and Legal Departments of the Civil Service and of Departmental Whitley Councils allied thereto on the other hand, on application by either party, in regard to certain matters affecting conditions of service, subject to the limitations and conditions hereinafter defined.

(2) We agreed that:

(a) where there is failure to agree on a claim falling within the limits set out below, the case shall be reported by or on behalf of either of the parties to the dispute to the Minister of Labour for reference to arbitration by a tribunal consisting of an independent Chairman and one member drawn from a panel of persons appointed by the Minister of Labour as representing the Chancellor of the Exchequer for the time being and one member drawn from a panel of persons appointed by the Minister of Labour as representing the Staff Side of the National Whitley Council for the Administrative and Legal Departments of the Civil Service. The Chairman of the Tribunal shall be a person appointed by the Minister of Labour after consultation with the parties to this agreement

*Serving civil servant.

and the members of the Tribunal shall be such members of the Panels as the Chairman may direct;

(b) the Arbitration Acts 1889-1934 shall not apply to any reference under this agreement;

(c) where on any reference the members of the Tribunal are unable to agree as to their award, the matter shall be decided by the Chairman.

(3) The members of the Tribunal appointed as representing the Staff Side of the National Whitley Council for the Administrative and Legal Departments of the Civil Service should hold office for two years and be eligible for reappointment.

(4) We are of opinion that for the purposes of this agreement Civil Servants and officials of Associations and Federations of classes of Civil Servants should be regarded as ineligible for appointment as members of the Tribunal.

(5) We are agreed that claims in respect of grades carrying flat rate salaries or maxima above that of the Principal grade cannot be reported to the Tribunal without the consent of both parties concerned in the claim.

(6) Claims eligible to be dealt with by the Tribunal shall be claims affecting the emoluments, weekly hours of work and leave of classes of Civil Servants as herein defined, and cases of individual officers shall be excluded.

(7) The word "emoluments" for the purpose of the foregoing clause shall include pay, and allowances of the nature of pay, bonus, overtime rates, subsistence rates, travelling and lodging allowances. The term "class" shall mean any well-defined category of Civil Servants who, for the purpose of a particular claim, occupy the same position or have a common interest in the claim.

(8) An endeavour shall be made by the parties to agree the terms of reference or the terms of the remit to the Tribunal, but where this is not practicable the respective statements of claim shall be set out and these will together constitute the terms of reference or remit.

(9) We trust that arrangements may be made to secure that under normal conditions claims should be heard not later than six weeks from the date on which the claim is remitted to the Tribunal.

APPENDIX VII

MEMBERSHIP OF THE CIVIL SERVICE ARBITRATION TRIBUNAL

Chairman: Sir George Honeyman, C.B.E., Q.C.

Chancellor of the Exchequer's Panel

Professor G. C. Allen, C.B.E.

Mr. R. Baldwin

Sir Andrew Crichton

Professor H. J. Habakkuk

Sir Edmund Hudson

Mr. W. B. Reddaway

Mr. A. L. Trundle, O.B.E.

Mr. L. G. Wilson, C.B.E.

Staff Side Panel

Mr. Hugh Clegg

Mr. A. D. Flanders

Mr E. Fletcher

Mr. H. D. Hughes

Professor H. A. Turner

APPENDIX VIII

CIVIL SERVICE ARBITRATION TRIBUNAL

RULES OF PROCEDURE

When in accordance with the Agreement for arbitration in the Civil Service, a difference is referred to the Civil Service Arbitration Tribunal for settlement, subject to the general jurisdiction of the Tribunal to regulate their own procedure as they may think fit, the following rules apply:

(a) The Tribunal will give the parties at least 21 days' notice of the date of hearing.

(b) The parties to the reference shall supply to the Tribunal in writing eight copies of the statement of their case not later than fifteen days before the date of hearing.

(c) When the copies of the statement of case from parties have been lodged with the Tribunal, a copy will be sent by the Tribunal to the other side before the date of hearing.

(d) The statement of case shall contain the following particulars:

- (i) The class or classes concerned, and the number of employees in such class or classes.
- (ii) The name or names of the government department or departments concerned.
- (iii) The nature of the claim, stating whether in respect of emoluments (in pay, allowances of the nature of pay, bonus, overtime rates, subsistence rates, travelling and lodging allowances), weekly hours of work, or leave.
- (iv) Where the claim is in respect of emoluments, the present remuneration and bonus (if any) and allowances (if any) should be set out.
- (v) Where the claim is in respect of weekly hours of work or leave, the existing weekly hours of work or leave should be set out.
- (vi) The grounds in support of or in opposition to the claim.
- (vii) Where reference is made to any document or documents, copies or extracts thereof should, if possible, be given.
- (viii) The names and status of the representative or representatives who will appear before the court.

(e) The statement of case shall contain all submissions upon which the party relies in support of or in opposition to the claim as the case may be.

(f) The Tribunal will require parties at the hearing to read their statements of case.

(g) Evidence, either oral or in writing, and observations in support of or in opposition to the claim shall be referable to the submissions contained in the statements of case of any party to the reference.

(h) Where any party desires that a case should be adjourned from the date fixed to a later date, a consent to such adjournment signed by all parties shall be sent to the Tribunal, and the Tribunal, if good reason be shown, will thereupon sanction the adjournment. If joint consent cannot be obtained, application may be made to the Tribunal by the party desiring the adjournment.

APPENDIX IX

REQUEST FOR REFERENCE TO ARBITRATION

To: The Secretary,
Ministry of Labour,
Industrial Relations Department,
8 St. James's Square, London, S.W.1.

- I. As there has been failure to agree, a difference is hereby reported to the Minister of Labour for reference to the Civil Service Arbitration Tribunal in accordance with the Civil Service Arbitration Agreements.

Parties (Staff Association or Staff Side).....
(Government Department or Official Side).....

- II. (A) The following terms of reference have been agreed:

Staff Association or Staff Side

Signed

Government Department or Official Side

Signed

- or (B) The parties not being able to agree on terms of reference, their respective proposals are as follows:

Staff Association or Staff Side

Signed

Government Department or Official Side

Signed

APPENDIX X

GOVERNMENT INDUSTRIAL ESTABLISHMENTS

TRADE JOINT COUNCIL DRAFT CONSTITUTION

OBJECTS

1. GENERAL OBJECT. To secure, by means of regular joint discussion between representatives of the Government Departments and Trade Unions or Groups of Trade Unions specified in paragraph 1 of the Constitution herein, the fullest measure of co-operation in the settlement of questions relating solely to the trade so far as concerns employees in that trade in the Establishments under the control of these Government Departments.

2. The regular consideration of the rates of wages of persons in the trade employed in the various establishments concerned, including the fixing of time and piece rates, together with their re-adjustments as may be necessary, subject to due consideration being given to such national or other agreements as may be fixed for the trade from time to time.

3. The consideration of methods of determining wages, and of adjusting wages to new conditions.

4. The collection of statistical and other information relating to output, costing, etc.

5. The consideration of questions relating to working conditions generally (including hours, sick absence, holidays and superannuation), in their relation to wages, so far as these questions may specifically concern the employees in the trade in the various establishments concerned.

6. The consideration, in conjunction with the Departmental Councils where necessary, of the conditions of entry into the various establishments, and training therein in the trade, and of educational questions in relation thereto.

7. The consideration of the local and other machinery for the speedy settlement of differences in the various establishments; the creation of machinery under which, in the event of failure to settle matters in dispute in the Trade Joint Council, they can be referred, by agreement between the Government and the Trade Unions concerned, to arbitration.

8. The consideration of arrangements for setting up and adjusting local machinery by way of Trade or other committees in the Works under the Departments concerned, to deal with the local aspects of any or all of the above matters, and the consideration of matters referred to the Council by such committees.

9. Co-operation with other Trade Joint Councils or with Departmental Councils or with Joint Industrial Councils for private industry, where necessary, to deal with matters of common interest.

CONSTITUTION

1. MEMBERSHIP

The Council shall consist of members appointed as to the official side by the Ministers of the Departments (including the Treasury and Ministry of Labour) concerned, and as to the employees' side by the Trade Union or Unions having members employed in the various establishments.

Provided that there need not necessarily be equality in the number of members of the respective sides, and that so far as the Departments and the Trade Unions consider necessary, adequate provision is made by the constituent bodies for the appointment of persons directly connected with the various establishments under the respective Departments. It shall be open, however, with the permission of the Council, for a national and, or local representative of any constituent body, other than a member of the Council, to attend a meeting in a consultative capacity.

Provided also that at any time after the expiration of six months from the date of the first meeting of the Council, on the request of which one calendar month's notice shall be given by any Minister or by any constituent Trade Union on the employees' side, a General Meeting of the Council may be convened to consider and approve the re-distribution of the nominations amongst the constituent bodies, provided, however, that one side can call only for a revision of its own representatives.

2. RE-APPOINTMENT

The representatives first appointed shall serve for one year from the date of the first meeting, and shall be eligible for re-appointment by the Minister or Trade Union or Unions as the case may be. Casual vacancies shall be filled as they occur, in the same manner as the original appointment, the member so appointed sitting for the remainder of the current term of the Council.

Provided, however, that where a representative cannot attend a meeting of the Council, an accredited deputy may be sent by the Minister or Trade Union or Unions concerned.

3. COMMITTEES

(a) *Sectional meetings of the Council.* It shall be open to the Council to refer for consideration specific matters affecting any particular section or sections of the trade to a sectional committee composed of the representatives of the Trade Union or Trade Unions concerned, and of such representatives of the Government Departments as the Official Side may appoint.

The conclusions of such sectional committees shall be reported to the full Council for recording in the proceedings of the Council.

(b) *Other Committees.* The Council may delegate special powers to such other committees as it may appoint. The Reports of all such committees shall be submitted to the Council for confirmation.

The Council shall have power to appoint on committees, such persons not necessarily being members of the Council as may serve the special purposes of the Council.

4. REPRESENTATION ON JOINT CO-ORDINATION COMMITTEE

To give effect to the co-ordination referred to in paragraph 9 of "Objects" the Council shall appoint delegates not necessarily members of this Trade Joint Council to a Joint Co-ordination Committee of the Trade Joint Councils concerned, the number of delegates from this Trade Joint Council to be not more than three from the employees' side and three from the official side.

5. CO-OPTED MEMBERS

Committees may co-opt such persons of special knowledge not necessarily being members of the Council as may serve the special purposes of the council.

6. OFFICERS

Chairman. The Chairman shall be a member of the Council and appointed by agreement between the Ministers concerned.

The Vice-Chairman. Shall be a member appointed by the Employees' side of the Council and shall preside at meetings in the absence of the Chairman. In the absence of both the Chairman and the Vice-Chairman, a Chairman shall be appointed by and from the members present at the meeting.

Secretaries. A Secretary shall be appointed from each side of the Council. The necessary clerical assistance required at meetings of the Council shall be provided by the Ministry of Labour, or other Department as may be arranged.

7. MEETINGS OF THE COUNCIL

The ordinary meetings of the Council shall be held as often as necessary and not less than once a quarter. The meeting in the month of shall be the annual meeting. An Agenda shall be circulated to all members not less than seven days prior to the meeting of the Council.

A special meeting of the Council shall be called within 14 days by either Secretary on receipt of a requisition from the Secretary of the other side. The matters to be discussed at a special meeting shall be stated upon the notice summoning the meeting.

8. VOTING

Decisions of the Council shall normally be by agreement but failing agreement in cases of procedure for dealing with the business on the Agenda coming before the Council, a vote by show of hands or otherwise, as may be determined, may be taken upon these matters at the discretion of the Chairman of the meeting, in which event the Chairman shall have a vote, but not a casting vote.

9. QUORUM

The quorum shall be one half of the members of each side of the Council.

10. EXPENSES

The Trade Unions or Groups of Trade Unions shall be responsible for the travelling and other personal expenses of their representatives attending meetings of the Council or its Committees.

11. AMENDMENT OF CONSTITUTION

The "Objects and Constitution of the Council" may be amended only at the Annual General Meeting of the Council or at an extraordinary General Meeting called for the purpose. No amendment shall be made except after notice given, and circulated on the Agenda to the members of the Council at least one month prior to the meeting.

APPENDIX XI

MEMBERSHIP OF THE STANDING ADVISORY COMMITTEE ON SALARIES OF THE HIGHER CIVIL SERVICE

Chairman:

The Rt. Hon. Lord Franks, G.C.M.G., K.C.B., C.B.E., F.B.A.

Members:

Lord Latham

Sir Eric Ashby

Sir Geoffrey Crowther

Sir Reginald Verdon-Smith

Mr. J. Thompson

APPENDIX XII

THE CIVIL SERVICE PAY RESEARCH UNIT

The Unit owes its existence in the first place to the Royal Commission on the Civil Service, which reported in 1955. In their Report the Commission referred to the reason why it is necessary to have general principles governing Civil Service pay, and stated that the end to be served might be stated as "the maintenance of a Civil Service recognised as efficient and staffed by members whose remuneration and conditions of service are thought fair both by themselves and by the community they serve". The Commission formulated the view that the primary

principle should be "fair comparison, with the current remuneration of outside staffs employed on broadly comparable work, taking account of differences in other conditions of service"; and that internal relativities should be used to supplement this primary principle.

In order to give effect to the primary principle, the Commission recommended that the task of finding the facts on which comparisons might be based should not be undertaken by the interested parties to negotiations, but should be divorced from the process of negotiation and assigned to a special body which would command the confidence of Departments on the one hand and staff associations on the other.

The Royal Commission's recommendations were considered by the Official and Staff Sides of the National Whitley Council who, in a joint statement issued in April, 1956, announced their agreement that "fair comparison" was a valid and valuable principle in Civil Service pay negotiations although not the sole determinant. They agreed upon the setting up of a fact-finding organisation to be called the Civil Service Pay Research Unit, with the following conditions:

- (a) It would be under the general control and direction of the Civil Service National Whitley Council. Control would be exercised through a committee composed of six members from each side.
- (b) Day-to-day control of the unit would be vested in a Director, who would be appointed by the Prime Minister. The Director would be responsible to the Committee for carrying out the programme of enquiry and observing the priorities laid down by it.
- (c) The Director would be assisted by a staff drawn mainly from the Civil Service.

Fact-finding, as defined by the Royal Commission, involved two processes:

- (i) establishing job comparability, due allowance being made for differences in grading structure;
- (ii) the discovery of the pay and conditions of service attached to jobs regarded as comparable.

The Unit would undertake these two processes in relation to grades or classes referred to it by the Committee, and within the scope of the National Whitley Council. So far as (i) was concerned, the Unit would limit itself to the description and definition of the similarity or difference in the duties of the grades with which comparison was being made. The Unit would not attempt to evaluate those differences.

As regards (ii), the term "conditions of service" would be interpreted widely so as to cover not only such matters as hours and leave but also such questions as superannuation, luncheon vouchers, assisted travel, house purchase facilities, car allowances and other additions to basic pay and conditions.

The Civil Service Pay Research Unit has been set up in accordance with the foregoing agreement.



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